

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

VDARE FOUNDATION, INC.,

Plaintiff,

-vs-

LETITIA JAMES, in her official capacity as
Attorney General of the State of New York,

Defendant.

22-cv-1337 (FJS/CFH)

**DECLARATION OF
Yael Fuchs
IN OPPOSITION
TO PLAINTIFF'S
PRELIMINARY
INJUNCTION
MOTION**

Yael Fuchs, a citizen of the United States and a resident of the State of New York, affirms under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an Assistant Attorney General in the Office of Letitia James, Attorney General of the State of New York, who appears on behalf of the People of the State of New York in this special proceeding. I serve as a Co-Section Chief of the Enforcement Section of the Charities Bureau.

2. I submit this declaration in support of the Office of the Attorney General's opposition to Plaintiff's motion for a preliminary injunction in the above-captioned case.

3. I am familiar with the facts and circumstances set forth in this affirmation, which are based upon my personal knowledge and information contained in the files of the Office of the Attorney General ("OAG").

4. In 2022, the OAG's Charities Bureau began an investigation of Plaintiff VDARE Foundation, a New York-chartered non-profit, based in part on public reporting that VDARE had spent \$1.4 million of charitable funds on a medieval-style castle in West Virginia; provided that castle as a residence to its chairman, Peter Brimelow, his wife and fellow-director, Lydia

Brimelow, and their family; and conveyed the castle property to two West Virginia corporations controlled by the Brimelows. These transactions raised serious concerns about self-dealing and board independence and, if confirmed, could constitute serious violations of New York law.

5. Further review of VDARE's publicly filed documents showed further financial irregularities, possible false reporting, and violations of reporting requirements under New York law governing charitable non-profits. Such conduct, if confirmed, would constitute serious violations of New York law.

6. A more complete description of the basis for the OAG's VDARE investigation is included in my December 16, 2022 affidavit, a true and correct copy of which is attached as **Exhibit A**.

7. On June 23, 2022, the OAG served an investigative subpoena on VDARE as part of its investigation, a true and correct copy of which is attached as **Exhibit B**.

8. A true and correct copy of VDARE counsel's September 19, 2022 letter to the OAG is attached as **Exhibit C**.

9. By December 2022, VDARE had produced approximately 6,000 pages of documents in response to the OAG's subpoena. Those documents were heavily redacted, and the redactions were haphazard. Although VDARE represented that it was redacting the names of its vendors, numerous documents included unredacted vendor names.

10. A true and correct copy of VDARE's November 28, 2022 letter to the OAG is attached as **Exhibit D**.

11. A true and correct copy of the OAG's letter to VDARE counsel on December 2, 2022 is attached as **Exhibit E**.

12. A true and correct copy of the petition filed by the Attorney General on the docket of *People of the State of New York v. VDARE*, Index No. 453196/20022, Dkt. No. 1 (Sup. Ct. N.Y. Cnty.) is attached as **Exhibit F**.

13. A true and correct copy of the January 19, 2023 transcript of oral argument before Justice Sabrina Kraus concerning the OAG's petition and VDARE's motion to dismiss is attached as **Exhibit G**.

14. A true and correct copy of the January 23, 2023 order denying VDARE's motion to dismiss and granting the OAG's request to compel subpoena compliance is attached as **Exhibit H**.

15. Although the OAG drafted a proposed protective order to govern VDARE's subpoena production, VDARE never agreed to the order.

16. A true and correct copy of the proposed protective order filed by the OAG in New York Supreme Court on January 25, 2023 is attached as **Exhibit I**.

17. A true and correct copy of VDARE's February 7, 2023 application for a stay pending appeal is attached as **Exhibit J**.

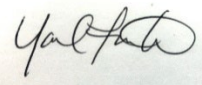
18. A true and correct copy of the OAG's opposition to VDARE's stay request is attached as **Exhibit K**.

19. A true and correct copy of the order of the Appellate Division, First Department, denying VDARE's stay request is attached as **Exhibit L**.

20. A true and correct copy of the affirmation filed by VDARE's counsel on the docket of *People of the State of New York v. VDARE*, Index No. 453196/20022, Dkt. No. 37 (Sup. Ct. N.Y. Cnty.) is attached as **Exhibit M**.

Dated: New York, New York
April 10, 2023

LETITIA JAMES
Attorney General of the State of New York

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